

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 91-141-G - ORDER NO. 91-637 ✓  
JULY 24, 1991

IN RE: Application of Piedmont Natural Gas    )  
Company for an Adjustment of its            ) ORDER  
Rates and Charges.                            )

This matter comes before the Public Service Commission of South Carolina (the Commission) on objections filed by Piedmont Natural Gas Company (Piedmont or the Company) and on the subsequently filed Staff's Motion to Compel.

On July 19, 1991, the Commission received objections to answering Staff Data Request No. 2, objections to request to publish second Notice of Hearing, and a Motion for Oral Argument on these matters from Piedmont. Subsequent to the filing of that document on July 19, 1991, the Commission received Staff's Motion to Compel which moved this Commission for an Order compelling Piedmont to answer Items 1 through 5 of Staff's Information Data Request No. 2, for an Order compelling Piedmont to publish and mail a second Notice of Hearing and objecting to the presentation of oral arguments on these matters.

With regard to the Piedmont document, the Company objected to answering Items 1 through 5 of Staff Data Request No. 2 which seeks information relating to weather normalization. Among other

things, Piedmont alleges that this information is not relevant to the present proceeding and is not designed to produce information which may be relevant to this proceeding. Further, Piedmont contended that "the Commission's long standing policy with regard to weather normalization" was to treat weather normalization with disfavor. Piedmont alleged that the Company should be given notice prior to future rate cases if the Staff wanted information with regard to a weather adjustment. With regard to the Staff's Motion to Compel on this issue, the Staff stated that the questions propounded were relevant and reasonable. Further, Staff noted that S.C. Code Ann. §58-3-190 (1976), as amended, states that all public utilities shall answer fully and promptly "all questions and interrogatories which may be propounded by the Commission." Considering the language of the relevant statute and its belief that the information requested by the Staff is relevant, the Commission believes that Piedmont should answer Items 1 through 5 of Staff's Information Data Request No. 2, and rejects Piedmont's contentions.

With regard to Piedmont's objection to the request the publication of a second notice, the Company objects to the giving of the second notice on three (3) grounds. First, Piedmont believes that "the Commission has a long standing policy against the Staff's proposal with regard to weather normalization. Second, Piedmont alleges that the proposed notice is "biased" and favors the Staff's position. Third, Piedmont contends that additional notice should not be given every time an intervenor

recommends an accounting or normalization adjustment. The Staff notes that S.C. Code Ann. §58-5-240(B) (1976), as amended, states that the Commission may prescribe what notice the public shall be given prior to a public hearing, after the company files its new rate schedules for approval. The Commission Staff notes in its Motion that the second notice to the public, in its opinion, is necessary in the present case, since weather normalization, if adopted by the Commission, could have a significant impact on the rates proposed by the Company. The Staff contends that the public and Piedmont's customers should be informed of any additional matters of significance that would affect the Company's proposed rates. The Commission believes that Staff's position in this case is compelling and that since the possible weather normalization adjustment of the Staff may affect Piedmont's proposed rates, that Piedmont should indeed publish the second notice in the manner indicated by Commission Staff. The Commission does not believe that any previous position taken by this Commission should govern relevant discovery matters, nor should a past position govern relevant and timely notice to the public of a reasonable and relevant Staff investigation that could affect the Company's proposed rates in a major way. Further, the Commission holds that the proposed notice is not biased. Lastly, although the Commission agrees that notice need not be given every time an accounting or normalization adjustment is recommended, the Commission believes that such notice should be given when, as here, said adjustment could have a major impact on the rates

proposed by the Company.

Third, Piedmont moves for the opportunity to present an oral argument in support of its objections with regard to furnishing the information in Staff Data Request No. 2 and in publishing a second notice. Piedmont contends that it would be inappropriate for the Commission to change such a "long standing policy" without giving Piedmont the opportunity to be heard. The Commission Staff believes that the Motion for Oral Argument should be denied. The Staff contends that the Company's objections are mere attempts to delay Staff's investigation of the Company's rate case and supporting data. Staff goes on to contend that the Company's positions through its document received on July 19, 1991, are clear, that Staff's positions are clear through the Staff's Motion to Compel filed July 19, 1991, and therefore, the Company's objections should be disposed of in a summary manner without oral argument. On consideration of this matter and an examination of the documents in question, the Commission believes that the parties positions are clearly set out in the documents submitted to the Commission and that no oral arguments are necessary. Therefore, the Commission believes that the Motion for Oral Argument should be denied.

Based on the above-stated reasoning:

IT IS THEREFORE ORDERED:

1. That the Company shall answer Items 1 through 5 in Commission Staff Data Request No. 2 by August 2, 1991, and that the answers shall be in the Commission's hands by the end of

business on that day, unless otherwise indicated by the Commission Staff.

2. That the Company shall publish the second notice as provided by the Commission Staff, as indicated in the separate letter to be separately provided by the Commission Staff, and that the return date on this notice shall be August 26, 1991.

3. That Piedmont's Motion for Oral Argument is hereby denied.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)